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Minutes of a Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, January 20, 2004, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman
George Bartunek,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Supervisor Cardinale called the meeting to order at 7:00 p.m.

Supervisor Cardinale: "Call the meeting to order and begin with the Pledge of Allegiance. Vince, could you lead us?"

(At this time, the Pledge of Allegiance was recited, led by Vince Tria.)

Supervisor Cardinale: "I believe we have some proclamations this very moment and I wish I had them in front of me but I know they're out there somewhere. Oh, they're right there.

Okay, so why don't we go down to the well here and give them out.

Madelyn, are you out there? I have a proclamation. I thought Madelyn wanted to say a few words. Here she comes. Not only do we have Madelyn, but the whole committee."

Madelyn Sendlewski: "Mr. Supervisor and Members of the Town Board and friends and residents. The Labor Management Committee, of which the members are present here, have the distinct pleasure tonight to recognize two gentlemen who have gone far and above the call of volunteerism and (inaudible).

We are going to give the privilege of presenting the proclamations to the Supervisor as we feel it is appropriate. We would like to ask Mr. Bill Talmage- yes, and family- no, just Katy, okay. Mr. Talmage and Katy are being honored for assisting the Town

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of Riverhead in our Christmas Outreach Program where we help needy families in providing food, a Christmas meal, and gifts for children. Bill takes his trolley out of commission, where it could be earning money, and donates the trolley and his time and his daughter's time, to help us deliver those items and you can imagine children that are at home seeing a trolley pull up loaded with Christmas gifts is quite exciting.

He donates his personal time and the use of the trolley. We want to recognize him for that this evening and as I said the Supervisor will present the proclamation. Will you join me in a hand to thank (inaudible)."

Supervisor Cardinale: "Bill, I think we all know is a tremendous asset to the Town of Riverhead. We would like to proclaim, it is fitting and proper as the Town Supervisor that I and the members of the Committee and the Town employees and the nearly 28,000 citizens in this Town, take the opportunity to acknowledge and honor you and your service of the Riverhead Trolley Company.

During the holiday season, you gathered those items as was stated, to supply Outreach packages to families in need. You assisted the project by donating your time to drive Riverhead sleigh, otherwise known as the trolley, and as the trolley arrived at various locations, you smiled and cheered. You have continually gone above and beyond the call of duty to your Town. Your commitment and dedication exemplifies kindness, generosity and compassion and for your unending commitment to the citizens of Riverhead, we'd like to thank you by resolving that this day be designated Bill Talmage Day in the Town of Riverhead and we ask the residents to join in the celebration.

And I'd like to present this to you and thank you. And I'd like to know if you can say a few words."

Bill Talmage: "Well, I just want to say that the Town employees do a great job and you would not believe how much stuff they gather up for the needy families in Riverhead. And when we do go around visiting these people, you see how much they really need the help. And I highly recommend helping them out because it's a wonderful way to get into the holiday spirit. Thank you."

Supervisor Cardinale: "Thank you. Keep up the good work."

Madelyn Sendlewski: "Out next presentation is honoring a gentleman. If you haven't been to the Atlantis Aquarium, you really

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are missing something- who always goes beyond what is requested or required of him. He's been very good to the Town of Riverhead and we have anticipated more goodness coming from him for the Town of Riverhead. But James Bissett is one person that is extremely generous, very thoughtful, and remembers everybody and everything that he's committed to, remembers everybody in that if he's met you, he's going to know your face and your name the next time you see him.

I'd like you to join me in welcoming Mr. James Bissett down to the well. Supervisor Cardinale, go ahead and present the proclamation."

Supervisor Cardinale: "Jim, nice to be able to honor you. I- in the Town, there are known givers and you're one of them to give back to the Town more than you've received from the Town, and that's a tribute to you.

We- all of us here, take the opportunity to honor and acknowledge that fact. You, too, have given always above and beyond the requirements (inaudible), above and beyond the call of duty. Your commitment and dedication are extraordinary.

For all you have done for the Town, all you are doing, all you have left to do, we hope, we thank you. You are making a difference. You make a difference and we want to acknowledge that.

And I resolve, therefore, as Supervisor, that this day shall be known not only as Katy and Bill Talmage Day, but James Bissett Day in this Town as well. And I ask that the residents join in the celebration of your work. We want you to say a word."

James Bissett: "It's a wonderful community to be involved with. I'm not a resident but it seems like I am. I spend a lot of time in Riverhead."

Madelyn Sendlewski: "Yes, you are. By adoption."

James Bissett: "And it's a big family. It's a fun place to do business not only a good place economically, but it's been a pleasure. It's exciting because, you know, some people, including myself, maybe don't see change as fast as we'd always like, but I do see it and the vision is there. It's not only my own, it's everyone committed to the Town. It's a big Town but a small community. I like to say to my family and my friends when they ask why I spend so much time out here, it's a great place to work. And I'll be here for a long time."

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Madelyn Sendlewski: "Glad to hear it."

Supervisor Cardinale: "Thank you, the members of the Committee. We appreciate your efforts and I'm glad you brought those two great people (inaudible)."

Okay, back to work, I see. Barbara, I guess we have to- "

Barbara Grattan: "Approve the minutes."

Supervisor Cardinale: "-- approve the minutes of the January 6th first meeting of the year which I would like to offer to be approved or have someone else do so and second."

Councilwoman Sanders: "So moved."

Supervisor Cardinale: "So, Rose has moved and- "

Councilman Bartunek: "I'll second."

Supervisor Cardinale: "-- George has seconded and I ask for a vote on the approval of the minutes for the last meeting."

The Vote: "Bartunek, aye, yes; Sanders, yes; Blass, yes; Densieski, aye; Cardinale, yes. 5 yes and the minutes are approved."

Supervisor Cardinale: "Barbara, would you report to us on collections and tax receiver, etc.?"

Barbara Grattan: "Sure."

REPORTS:

<u> </u> Tax Receiver	Total tax collection to date was \$25,663,371.59
for	Utility Collections report
was	December. Total collected \$270,080.63
	Total yearly utility collections, total collected was \$2,806,537.00

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Juvenile Aid Bureau
Animal Control

Monthly report for December
The yearly statistics for
2003 and a 5 year progress
report

Town Historian

2003 annual report

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you for those Reports. Could you please tell us about the Applications before the Town in the last two weeks?"

APPLICATIONS:

William Dries

Construction of a new
industrial building

Wading River Civic Assoc.

Duck Pond Day, May 2, 2004
from 12:00 p.m. to 4:30 p.m.

Barbara Grattan: "And that concludes Applications."

Supervisor Cardinale: "And Correspondence, please."

CORRESPONDENCE:

Kenneth Rothwell

Letter of resignation from
the
Conservation Advisory Council

Alex Galasso

Regarding East Creek Marina

Helen Bennett

Letter of resignation as a
Homemaker for the Senior's
Department

Chamber of Commerce

Thanking the Town Board for
their outstanding commitment
to them

Carolyn Zenk

Recommendations to Suffolk
County Executive Steve Levy

Barbara Grattan: "That's Correspondence."

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Supervisor Cardinale: "Now we have public hearings, the first of which is scheduled to commence at 7:05. And it being 7:18, we can commence it."

Public Hearing opened: 7:18 p.m.

Supervisor Cardinale: "It's a public hearing regarding a proposed local law to amend Chapter 101 entitled Vehicles and Traffic Article V - Parking, Standing and Stopping. Can someone tell us a little more about it? Dawn? Anyone? Is anyone presenting anything?"

Barbara Grattan: "Okay. You want me to read what went in to the paper?"

Supervisor Cardinale: "I think that would be helpful. Yes."

Barbara Grattan: "Okay. It's a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled Vehicles and Traffic, Article V - Parking, Standing and Stopping, Section 101-10 Parking Prohibited. The parking of vehicles is hereby prohibited in the locations as follows: Name of street - Pond View Road, side east, location from its northeasterly intersection with Franklin Street continuing in a southerly direction to a point at the intersection with Elton Street running thence in an easterly direction to a point 650 feet."

Supervisor Cardinale: "Thank you. The public hearing is open as of 7:18. And if anyone wishes to comment on that proposed local law, this is the time. Going once, twice and three times. The public hearing is now closed at 7:20."

Public Hearing closed: 7:20 p.m.

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Public Hearing opened: 7:20 p.m.

Supervisor Cardinale: "And we'll get on to the next hearing. Again, this is a public hearing regarding the purchase of development rights owned by William Anderson and Benson Point Realty Corp. I understand that Mr. Hoot Sherman is going to present the background data and then we'll take any public comment."

In the interval, I should tell you that one of these is

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Cablevision's camera that you're being filmed by and the other is Rich Rose's camera- right, Rich- which are- he's the gentleman who filmed- who's been doing some filming for us voluntarily and he's going to- he's doing some nice filming tonight for channel 22. So in case you were wondering, there you have it.

Hoot, would you go on?"

Hoot Sherman: "Mr. Supervisor and members of the Town Board, I'm here for the Riverhead Farmland Select Committee. What we're doing tonight is presenting the sale of development rights on Mr. Bill Anderson's piece of property. It's Suffolk County Tax Map 600-100-2-14.2. It's between Deep Hole Road and Middle Road. It's the- it's the darker piece right here. This lighter piece is already protected land. That's the (inaudible). It's adjacent to protected land.

The total piece of property is 36.7 acres and Mr. Anderson is proposing to sell the development rights on about 28 acres. He's going to hold out four development areas which you see on his piece of property there. Each one of those development areas is about 1.6 acres and there's a 50 foot wide flag (inaudible) going into each one of those development areas.

It was appraised by Pat Gibbons on December 8, 2003. The appraisal was at \$31,000 an acre. The Farmland Select Committee- because he is holding out more land than he really needs to- he's losing acreage, and because his taxes have doubled in the last year, the Farmland Select Committee has recommended that the town pay \$32,000 which is slightly over the appraised value, \$32,000 per acre for the 28 acres.

It's currently- the northern section of it is currently a nursery and in the middle is going to be equestrian. It's not there yet, but it's going to be equestrian in a year or so and the southern part is going to be equestrian, too, I believe.

This is also- it was one of the properties that we submitted for the State Ag and Market grant, which we got or which you got. So you've got a million dollars coming from the state that the state took for this one and a little bit of another one. The Farm Select Committee recommended (inaudible)."

Supervisor Cardinale: "Thank you very much. Is there any comment on this from any member of the public? Mr. Sherman, you are Peconic Land Trust, right? Representing Peconic Land Trust to assist

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us in these purchases. Yes, Sid."

Sid Bail: "Sid Bail, Wading River. This seems to be a very worthwhile project- a very worthwhile use of the funds and I'm prejudiced to say I know Bill and I've known him for a long time. As a resident of Wading River, he's one of the people I've known for many, many, many years and he tries to do things right and it seems to be a very, very nice project not only for but definitely for the people of the town. Thank you."

Supervisor Cardinale: "Thank you. Any other comment on this? We anticipate, therefore, closing the hearing, the public hearing at this time, 7:25. I might also add that normally we would pass a resolution accepting the offer of sale of development rights at the next meeting, February 3rd.

However, because of the tax factor you mentioned and the fact that we would like to get this deal closed and the development rights purchased before March 1st, we've been asked by our Town Attorney's office to add to our calendar tonight the acceptance of the offer of sale of development rights just publicly heard. This will enable us to take title, we hope, by March 1st. This has been discussed between me and the Town Attorney's office and I think each of- you should have been reached, each of the members of the Board to concur and they have.

So I'd like to- Sean, if you could get this in the pack- a couple of copies if anybody wants to see it but we will be picking this up at the point of resolution and it's in the back if anyone wants to comment further at the time of comment on resolutions.

And with that, we move on."

Barbara Grattan: "We have to close this."

Supervisor Cardinale: "Oh, I would like to- yeah, I've closed it now formally but I should reopen- I should note now with the inclusion of my comments there that we are closing at 7:26, the public hearing in this matter."

Public Hearing closed: 7:26 p.m.

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Public Hearing opened: 7:27 p.m.

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Supervisor Cardinale: "And going onto the third public hearing on the night which is the consideration of a local law amending Chapter 58 entitled Dogs. And who can tell us a little bit more about what we're amending? Anyone?"

Barbara Grattan: "I've got it here."

Supervisor Cardinale: "Do you?"

Barbara Grattan: "It's a lot."

Supervisor Cardinale: "All right. Dawn's going to tell us what we're anticipating amending."

Dawn Thomas: "Previously the town code allowed our animal control officers to deal only with dogs and no other domestic or farm animals. The animal control officers have indicated to us that there was a problem with oftentimes farm animals, chickens, goats, and other types of animals that are at large, a danger to the public in the roadways and they have no way to deal with those animals unless we give them the authority to do so through the town code.

So we proposed this amendment and that is what the public hearing is about tonight."

Supervisor Cardinale: "Thank you. Okay. The public hearing in this matter is now open, 7:27, and we call for any public comment in regard to the consideration of the local law just- as just enunciated by Dawn Thomas, our town attorney.

Yes, please come up, Sandra."

Sandra Mott: "Sandra Mott, Riverhead. (Inaudible) I just want a clarification. Will this also include cats?"

Councilman Densieski: "Mr. Supervisor. I don't know if that- this code amendment does include cats, but we are working on cats with the (inaudible). George and I are working with them and cats are going to be brought in in the near future."

Sandra Mott: "I can't hear you."

Councilman Densieski: "Is it on? Now, okay. Just to bring you up to speed. George and I are going to present something for cats in the near future. I don't know if this public hearing

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includes it, but we are going to include cats sooner rather than later at the Riverhead Animal Shelter."

Sandra Mott: "That's very good news. I appreciate that. I just want to clarify that (inaudible). Thank you very much."

Supervisor Cardinale: "Thank you, Sandra. Any other comment on this particular hearing?

If not, I would like to close the public hearing now at 7:28."

Public Hearing closed: 7:28 p.m.

Public Hearing opened: 7:28 p.m.

Supervisor Cardinale: "And move onto the special permit of Omnipoint Communications and I think we have someone who's going to present- yes.

I understand that the testimony at this particular hearing, and I guess at all special permit hearings, must be sworn. So let me ask you to raise your right hand and do you- are you going to swear him in? Please."

Dawn Thomas: "Can you state your name, please?"

Anthony Mulrain: "Anthony Mulrain."

Dawn Thomas: "Mr. Mulrain, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Anthony Mulrain: "I do."

Dawn Thomas: "Thank you."

Supervisor Cardinale: "Thank you."

Anthony Mulrain: "Good evening. Mr. Supervisor, members of the Board. My name is Anthony Mulrain. I'm a partner in (inaudible) law firm, 200 Park Avenue, Manhattan. I'm here this evening on behalf of Omnipoint Communications which is a federally licensed provider of wireless telecommunication services.

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Omnipoint made an application to the Town Board for special permit approval to install eight small antennas and three base transceiver stations on the roof of a building at 30 West Main Street here in the town of Riverhead.

As the Board is probably aware, this application was submitted some time ago and ultimately referred over to the Planning Board for its review. Omnipoint made an appearance before the Planning Board. The Planning Board reviewed the application and submitted a recommendation to the Town Board that the application be approved and (inaudible) in conformance with the town's local law. It also adopted a negative declaration at that time with respect to SEQRA.

So essentially Omnipoint has made this application because as a federally licensed provider of personal communication services which is the functional equivalent of cell phone services, is obligated to provide reliable coverage to its licensed area. The town of Riverhead is one of those licensed areas.

And currently along the corridor of Riverleigh Avenue, Nugent Drive, Flanders Road, Elton Street and Roanoke Avenue, there's a significant gap in coverage. Essentially what that means for Omnipoint's customers is that it cannot place the (inaudible) or hold a wireless call in that area. And so in order to fix that coverage gap and fill in and provide reliable coverage, as is Omnipoint's (inaudible) mandate, Omnipoint proposed to install eight antennas and three base transceiver stations at 30 West Main Street.

This evening, I have with me three individuals who can shed more light on the application if it pleases the Board. I have with me Donna Marie Stipo who is a planning consultant with the planning firm DMS Consultant (phonetic). I also have with me Natalie Nole (phonetic) who is a radio frequency engineer with (inaudible) Solutions, and I also have with me Neil McDonald (phonetic) who is an engineer with the (inaudible) engineering firm, William F. Collins.

I guess at this point, it's whatever pleases the Board."

Dawn Thomas: "If they could describe where- it's on a building, I believe. Maybe they could describe- "

Supervisor Cardinale: "We'd like- we'd be more than willing to hear what any or all of them wish to say, but one of the matters that's of interest to the Board is where precisely on the building the antennas and the other three transceivers are going to be

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placed."

Anthony Mulrain: "Actually, in order to answer that question, if it pleases the Board, I'd like to call Mr. McDonald."

Supervisor Cardinale: "That's fine."

Anthony Mulrain: "He's the architect (inaudible)."

Supervisor Cardinale: "Good evening, Mr. McDonald. We'll have you sworn in pursuant to our local law that requires it."

Dawn Thomas: "Can you state your full name, please?"

Neil McDonald: "Neil McDonald."

Dawn Thomas: "Mr. McDonald, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Neil McDonald: "Yes, I do."

Dawn Thomas: "Thank you."

Neil McDonald: "Okay. Just give you a quick explanation of the proposed rooftop installation of the (inaudible). It's a fairly straightforward installation involving three outdoor radio cabinets which are self-contained cabinets about the size of a refrigerator placed on a steel platform on the roof.

These cabinets (inaudible) a series of antennas (inaudible) antennas which are situated along the perimeter edge of the building. It is (inaudible) one foot wide by six foot tall antennas oriented in three different directions.

If I can just point them out to you, show you where they are exactly on the roof. I'll try and speak loud so you can hear me. We have one sector of three antennas at the very rear of the building mounted to the rear parapet. Similar installation of two antennas near the front of the building on the West Main Street side, also mounted to the parapet wall. And three more on the west hand side of the building, on the (inaudible) mounted to the side of the stair (inaudible) projects above the roof line of the building.

Beyond that, there's antenna cables which feed the antennas which are routed inside the building and all the equipment and appurtenances essentially are on the roof. There's no (inaudible)."

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Supervisor Cardinale: "Yes, you have a question, Barbara?"

Councilwoman Blass: "Just for everyone's benefit. Could you tell us what 30 West Main Street is, actually which building that is? And how high the antenna are, please?"

Anthony Mulrain: "I would like to bring forward Donna Stipo. Donna Stipo is the planning consultant for the project."

Councilwoman Blass: "Thank you."

(From the audience - the microphone is not on.)

Donna Stipo: "I'll speak loud."

Barbara Grattan: "I know- "

Supervisor Cardinale: "It's not working?"

Barbara Grattan: "It's not working."

Supervisor Cardinale: "Ken Testa, could you- this is the town engineer. We're going to see- prove his mettle here. He's got- he's surrounded by architects and engineers and- "

Barbara Grattan: "It's not working."

Councilwoman Sanders: "Usually it's not plugged in."

Supervisor Cardinale: "-- the pressure is great here, Ken."

Councilman Densieski: "Kick it a couple times."

Donna Stipo: (Inaudible)

Councilman Densieski: "Yeah, but it's got to go on the record. Ah, there we go. I knew it was Phil's fault."

Supervisor Cardinale: "Is that it?"

Councilman Densieski: "Phil, I knew it was your fault somehow. I just knew it."

Barbara Grattan: "Okay."

Supervisor Cardinale: "You know, I must add to that as I was

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walking out around 6:00 to grab something to eat, there was some building department- building and grounds guys here and they said you have a choice, either you get that buzz or you don't get the microphone. So we got the buzz now. Okay."

Dawn Thomas: "Would you state your full name, please?"

Donna Marie Stipo: "Donna Marie Stipo."

Dawn Thomas: "Ms. Stipo, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Donna Marie Stipo: "Yes, I do."

Dawn Thomas: "Thank you."

Donna Marie Stipo: "The parcel, 30 West Main, it lies at the northwest corner of Roanoke Ave. and West Main Street. In the rear of this building, you have shopper's parking. The building right next to it, it's a corner building, right next to this building you'll have an adjacent building that has a very large dish antenna for television or broadcasting and then the adjacent building, as you continue to go west, has the radio station and the lattice tower that extends up. That pretty much is that first row of buildings at that corner with respect to that intersection, if that gives everyone an idea of exactly where this is."

Supervisor Cardinale: "What's in 30 West Main Street? Is it- "

Donna Marie Stipo: "It's businesses."

Supervisor Cardinale: "It's a business- it's the business building. And it's- "

(Some inaudible discussion among the Board members)

Councilwoman Sanders: "Par Mortgage, right?"

Supervisor Cardinale: "Par Mortgage building, is what we're talking about."

Councilwoman Sanders: "Right."

Supervisor Cardinale: "So in case the members of the public

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wish to identify it. It's one in from the corner and on the corner of the alleyway. Okay. We now know- "

Donna Marie Stipo: "The Board has the application with the Exhibit C. I have provided some photographs of the building and surrounding area."

Supervisor Cardinale: "Okay."

Donna Marie Stipo: "Even have a chance to get out and walk it."

Supervisor Cardinale: "We'll take a look at that. Now, were there other than the location of the building and the location of the equipment on the building, any other questions from members of the Board or from Dawn, the town attorney. Sure. I know you had a question, I think, to the statute."

Councilwoman Blass: "And how high were the antenna?"

Donna Marie Stipo: "The roof line is about 37 feet above ground level or grade level and then you have a parapet just about three feet, so you're looking almost at a 40 foot building and the antenna would extend approximately seven feet from that roof line."

Councilwoman Blass: "Thank you."

Donna Marie Stipo: "The engineer's drawings on the other side can show that for you. You have those in your packet."

Supervisor Cardinale: "Okay."

Dawn Thomas: "I'm just- I may have missed something, I left the room earlier. Are there any other antennas on that structure?"

Donna Marie Stipo: "Not on this particular structure when we had done the site visit and I don't believe there were any this evening when we passed by. The building adjacent to it has a wireless dish and then, of course, west of that is another wireless application."

Dawn Thomas: "And are they screened in any way from visibility or they- I didn't see the application, I apologize. And I wasn't provided with a copy of it, I don't think. So, if I'm repeating a question, that's- "

Donna Marie Stipo: "No, fine. The antennas on the, I believe

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will be the northwest corner, they are flush mounted against the side of the building so they would be- they would not exceed necessarily the height of the structure as they are mounted. The remaining five antennas are mounted on the parapet corner and they would exceed the roof line approximately seven feet, but not necessarily exceed the height of the building so pertinent structures as they currently exist. So the horizon as it's been established does not necessarily change visually."

Dawn Thomas: "And have you examined other locations to determine whether you're in compliance with the town's co-location requirements?"

Anthony Mulrain: "The answer to your question is yes, there were no other locations that Omnipoint could have utilized or co-located that would have allowed Omnipoint to fulfill its existing coverage gap. If there was, then Omnipoint would have utilized one of those locations."

Dawn Thomas: "Have you identified the studies that you've done to determine that in your application?"

Anthony Mulrain: "I believe that I have. In Exhibit B, there's actually a very detailed affidavit from our radio frequency engineer that walks through exactly what the methodology is in terms of doing simulations and in terms of doing actual field tests."

Dawn Thomas: "And I'm sure you won't mind if the Board has any questions or needs further information to supply that as a part of your application?"

Anthony Mulrain: "Absolutely."

Dawn Thomas: "Thank you."

Councilwoman Sanders: "You indicated that there were eight small antenna and then you said there was a number of and I missed whatever else there was besides- "

Anthony Mulrain: "Base transceiver stations."

Councilwoman Sanders: "And how many?"

Anthony Mulrain: "Three."

Councilwoman Blass: "Have you identified additional service gaps in the Riverhead area?"

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Anthony Mulrain: "There are other service gaps in the Riverhead area. Referring back to that same affidavit which is Exhibit B, in addition to the RF engineer, radio frequency engineer laying out exactly what the methodology is, there are a number of propagation maps in the back and it identifies different areas within the town of Riverhead where there are coverage gaps and also within that affidavit, it speaks to what Omnipoint intends to do in order to fill those coverage gaps."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Thank you. Maybe if we could keep you available in case the public has any comment or any question and ask if anyone else has comment or question on this application."

This is your opportunity. If you do not, and since we already know that if we have the need for further information, the town attorney will receive it from the applicant, I would declare the hearing to be closed- or do we keep it open for public comment generally? Well, let's close it and move on. So we're going to close the hearing at 8:18- no, 7- I don't know, 7:43."

Barbara Grattan: "That's good."

Anthony Mulrain: "Thank you."

Public Hearing closed: 7:43 p.m.

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Public Hearing opened: 7:44 p.m.

Supervisor Cardinale: "And move on to the next public hearing. The next public hearing is on a proposed local law to amend Chapter 101 of the town code, Vehicle and Traffic Article VIII, Section 101.35 regarding parking permits for handicapped persons. Could you tell us a little more about it, either Dawn or Barbara?"

Barbara Grattan: "Or Eddie."

Supervisor Cardinale: "Or Eddie."

Councilman Densieski: "Yeah. This is an increase in the fee to \$250 for parking in a handicapped stall without the proper, you

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know, the hanger."

Supervisor Cardinale: "A fine. It's an increase in the fine."

Councilman Densieski: "Correct."

Supervisor Cardinale: "Fine, for parking in a handicapped spot to a maximum of \$250?"

Councilman Densieski: "Yes."

Supervisor Cardinale: "So that's the change proposed. Anyone here- I should first open the hearing, it being 7:42- I think- "

Barbara Grattan: "Forty-three."

Supervisor Cardinale: "Forty-four actually, and ask is there any comment? Yes, please come up."

Councilman Densieski: "Digital clock."

Supervisor Cardinale: "Yeah, I just have trouble telling time."

Angela DeVito: "Angela DeVito, South Jamesport. I would just like to say I'm in support of this raising those fines. I think it was last week when I came into town hall and parked next door in the adjacent parking lot, there were two people that were using handicapped spaces as holding spaces. I went up to them and told them they were not supposed to be there, basically I got flipped the bird, so I think going in and perhaps having them cited for that and having a specific fine, we'll cease to have these practices. I think it's a very good thing to do and I support it."

Supervisor Cardinale: "Thank you. Is there any other comment in regard to the proposed change?"

Councilman Densieski: "Just for the record, Mr. Supervisor. We did not come to this- on the Handicapped Committee, we did not come to this amount arbitrarily. This is the amount that a lot of the other towns are already charging."

Supervisor Cardinale: "Thank you. If there's no further comment, it being 8:45, I'd like to close- "

Barbara Grattan: "Seven forty-five."

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Supervisor Cardinale: "Seven forty-five, I'd like to close this- I told you I had trouble with time. I'd like to close the hearing."

Public Hearing closed: 7:45 p.m.

Public Hearing opened: 7:45 p.m.

Supervisor Cardinale: "And move on to the final public hearing of this evening concerning a proposed local law to amend Chapter 101 of the town code Vehicle and Traffic Article VII, Section 101.26 penalties for offenses. And would you tell us what this is about?"

Councilman Densieski: "I think I know what it is."

Barbara Grattan: "Oh, okay."

Councilman Densieski: "I think it's the fire zones which has been proposed by, I believe, the Fire Marshal, to \$500."

Dawn Thomas: "The first conviction for a violation of this provision which is fire zone, provision would be punishable by a fine of not more than \$100. The second would be a fine of \$250 and anything after the second violation would be increased to a fine of 500. Incidentally, all of these carry the possibility of jail (inaudible) as do most town code violations."

Supervisor Cardinale: "So it's 100, 250 and 500 which is proposed in the fire lanes. And what is it currently?"

Dawn Thomas: "I believe the max- we did increase the maximum."

Councilwoman Blass: "I think it's 35, 25 or 35."

Supervisor Cardinale: "So, I would imagine then that it's fair to say that it's getting tough on people who park in handicapped places and in fire lanes.

So this one is on fire lanes and it's moving it to 100, 250 and 500 for first, second and third offense maximums. So if anyone has a comment, we'd like to hear it. And if anyone doesn't have a comment, it will allow us to move on which we will do. It being 8:48- 7:48, I'm sorry. I'm moving this evening along a little too quickly.

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Seven forty-eight. And that ends the public hearings. I will close this as we just did at 7:48."

Public Hearing closed: 7:48 p.m.

Supervisor Cardinale: "We now- we have a number of resolutions. I want to point out before we take comment on the resolutions that you can save your concern about #64 is going to be tabled and #70 through 75 I expect should be tabled because the Town Board has discussed it and it needs further discussion at the work session on Thursday with each other and with counsel.

But other than that, if you'd like to make a comment on any resolution, we are all ears. Yes, #64 and #70 through 75. We're still working on some of the contract terms with Mr. Zuckerman and with members of the Board and we still need to do- review a couple resumes in regard to the Zoning Board of Appeals, which haven't been accomplished yet.

Yes, Rolf."

Rolf Koesling: "Rolf Koesling, Wading River. Resolution 55."

Supervisor Cardinale: "Yes."

Rolf Koesling: "Using your famous four words four years ago, how do you interpret temporary? How does the town interpret temporary?"

Supervisor Cardinale: "I knows this if a favorite subject of your from my earlier service on the Board. And I was looking for Leroy Barnes who was here a moment ago. He must have seen you coming up and left.

Rick, could you see if he's outside. I'd like to ask him to interpret that if he would like because that's the person that does interpret it."

Rolf Koesling: "I've been waiting four years to ask this question again."

Supervisor Cardinale: "Leroy, Rolf had inquired as to the definition in our code and your interpretation thereof on temporary

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greenhouse versus permanent and how you differentiate which is which at a practical level."

Leroy Barnes: "What is the question? I'm sorry."

Supervisor Cardinale: "Rolf has a continuing interest on the differentiation between a temporary and a permanent greenhouse."

Leroy Barnes: "Well, a temporary greenhouse would be a plastic house where the hoop houses where they change the plastic every year."

Supervisor Cardinale: "Okay. So that- "

Leroy Barnes: "A permanent would have a foundation and (inaudible)."

Supervisor Cardinale: "And temporary- "

Leroy Barnes: "And glass."

Supervisor Cardinale: "And temporary does not have a foundation?"

Leroy Barnes: "Normally, no. They usually have dirt floors."

Councilwoman Blass: "So it's conceivable that a temporary greenhouse could remain up for a very, very long time."

Leroy Barnes: "It is. The code- "

Councilwoman Blass: "The structure itself even though- "

Leroy Barnes: "-- the code calls for it to be removed annually to qualify as a temporary. In other words, people who have plastic hoop houses, they're supposed to maintain and remove the plastic annually. That's what qualifies it to be temporary under the provision of the code."

Councilwoman Sanders: "So if they leave the rings- "

Leroy Barnes: "That's how they define it."

Councilwoman Sanders: "-- and take the plastic off."

Leroy Barnes: "They leave the rings and they take the plastic off, it stays and continues to be temporary."

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Councilwoman Sanders: "And then do they have to wait a period of time before they can- "

Councilwoman Blass: "Put it back up."

Leroy Barnes: "Not always. If you read the definition in the code, it's kind of vague, but that's how it describes it."

Councilwoman Blass: "Perhaps we should revisit the definition."

Leroy Barnes: "What's the actual question? Do you want to know how we differentiate between the two?"

Councilwoman Sanders: "Well- "

Supervisor Cardinale: "Yes."

Leroy Barnes: "Okay, that would be- that's how we do it. That's how we determine."

Supervisor Cardinale: "Okay. Does that- thank you very much. Rolf, do you have further question or comment?"

Rolf Koesling: "Yes. I always thought temporary has a finite time. I mean, I have no objection to the greenhouse as far as that, but I would like to see a finite time and then after that time, you get an extension, an extension, and every time you get an extension, maybe the town could get a little more money every time, too."

I would want to see one thing added to the temporary, that after the use of a greenhouse is no longer used as a greenhouse, it be taken- torn down, dismantled or whatever. You've got a permit to being a temporary greenhouse, like I say, I have no objection. But I have an objection when a greenhouse isn't used for a greenhouse and it's got trucks inside, automobiles, etc., etc."

Supervisor Cardinale: "Okay."

Rolf Koesling: "Okay. That's all. Thank you."

Supervisor Cardinale: "Thank you. I appreciate- "

Rolf Koesling: "And, incidentally, your microphone's on, I can hardly hear you."

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Barbara Grattan: "I know. It's terrible."

Supervisor Cardinale: "Yes, we are aware of that. Can you hear- you cannot hear us? Well, maybe that's probably a help. Okay, we'll try and talk into it. Okay, the next person that wanted to make a comment. Yes, please."

Sal Mastropolo: "Sal Mastropolo, Calverton. Relative to 55- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "This is 16000 square feet. Okay? He came through town last year and put up a whole batch of greenhouses, quote, temporary greenhouses, and oh, by the way, never comes down unless it gets ripped. Okay? But this piece of property still has a problem where the water dumps out onto Sound Avenue. Okay? And runs east along Sound Avenue past Gregory Way which is where I live, and then goes down to the sump. Okay? All of the water on this property, on the south side of the property, dumps out on Sound Avenue. It actually has cut a culvert in the piece of property. Okay? And when he came through the last time and asked for a temporary greenhouse, we asked that he put drainage wells in. Is there going to be a requirement that he put drainage wells in for this one, too, and where is he going to put this other 16000 square feet? Do we know where on the property?"

Supervisor Cardinale: "This is a- this is 100 by 160 temporary greenhouse. Is there an existing greenhouse on the property?"

Sal Mastropolo: "Oh, yeah. There's about 12 of them."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Behind his farmhouse and behind his farm stand. And he's a good neighbor, don't get me wrong. It's just that it creates a flooding problem on Sound Avenue, number one, okay?"

Supervisor Cardinale: "Now, Leroy is probably the only person that's well familiar with this at the moment. We're referring it for the opinion of the Planning Board. The only decision the Town Board is contemplating making is resolving that it's a type II action which I don't think there's much debate about. So we're going to get some information from the Planning Board back and one of the things you think should happen is if granted, this particular special permit petition, we should condition something on drainage."

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Sal Mastropolo: "Yes. Something should be done to address the drainage- "

Supervisor Cardinale: "Okay."

Sal Mastropolo: "-- and the water going out onto Sound Avenue."

Supervisor Cardinale: "Okay. And this is going to come back to us, correct me if I'm incorrect, Dawn. This will come back to us with a recommendation and then there will be a special permit hearing and so would you remind us at that time, because if we do grant it, we want to conditionalize it if it's appropriate."

Sal Mastropolo: "Okay. Resolution #58 on the East Creek Marina. The attachment has a bunch of regulations. I'd like to make a recommendation."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay. And that recommendation is that all the boats that are docked at that marina must have a safety inspection from the Coast Guard Auxiliary once a year. It's a free inspection; it doesn't cost anything. But what they do is they come in, they check for life preservers, fire extinguishers. If it's a large boat, it must have a fire suppression system, etc. It's for the town's safety."

We did it up at the Moose Lodge and if you didn't get an annual safety inspection, you didn't get invited back. Okay?"

Supervisor Cardinale: "So since we're about to on 58 post and publish a public hearing to consider the law, you're considering even before we post and publish that we add something?"

Sal Mastropolo: "Right. We add it to the marine regulations, okay, that you're required to have a safety inspection from the Coast Guard Auxiliary every year."

Supervisor Cardinale: "So would you have a specific- in regard to what we're proposing, are you suggesting that we add something and, if so, exactly what, and- "

Sal Mastropolo: "For example, let's say you added a "j". All vessels docked at the town marina must pass a safety inspection from the Coast Guard Auxiliary once a year. Anyone failing the inspection

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or failing to get an inspection will not be invited back the following year."

Supervisor Cardinale: "Okay. I understand. Okay, I understand what you're saying. I've got the gist of what you are saying and I think it's got merit. We're going to have, again, in this instance, we're going to go ahead and publish for a public hearing and at that point, that suggestion may well be incorporated into this because it sounds like it's reasonable. But the town attorney was already- already commenting on it and I want to give her the opportunity to consider it but I've noted it."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "Also, I notice that you took out all the things relative to overnight dockage and other charges. Is there any reason why?"

Supervisor Cardinale: "I think that was intended- first of all, you reviewed- who submitted this- I mean who did the proposed amendments? Was that the Marina Committee?"

Councilwoman Sanders: "It was prepared based on- "

Supervisor Cardinale: "So you could ask that question is what I was going to suggest, Barbara. I think you took out what was the- looking at it quickly, it appeared to me that the no charge considerations were amended but the ones that were crossed out, the question, I guess, is why were they deleted."

Sal Mastropolo: "Well, all of "g" was deleted. Okay. And "g" talks to, you know, you're not an annual permit holder, you overnight dock, you pay by the foot by the day and you pay for electricity, etc. I mean, those are valid charges."

Supervisor Cardinale: "Right."

Councilwoman Sanders: "These are normally set and we would like the fees- to have fees set not in the code because- "

Sal Mastropolo: "Okay."

Councilwoman Sanders: "-- fees will be subject to change- "

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Sal Mastropolo: "Right, well, then, shouldn't- "

Councilwoman Sanders: "-- so we just wanted to make sure that we recited the regulations as to the use, not the fees."

Sal Mastropolo: "Okay. Shouldn't there be something in here that says then, that transient dockage will have fees associated and the fees will be set. Because if you read this, there's no mention of any fees for transient dockers. As a matter of fact, the only comment on transient vessels is that they shall be permitted to stay more than 10 days, they required permission from the town dock master."

Councilwoman Blass: "It shouldn't have anything that refers to the dock master at all."

Sal Mastropolo: "Well, it says- "i" says no transient vessels shall be permitted to stay more than 10 consecutive days without permission from the dock master."

Councilwoman Blass: "Are we looking at the right one? Oh, this was (inaudible)."

(There was some inaudible discussion among the Board members)

Supervisor Cardinale: "Okay. You may have- "

Councilwoman Blass: "You have- I believe you have an old- if there's something on there that refers to a dock master- "

Sal Mastropolo: "As a matter of fact, there's two things that refer to a dock master. "H" has a dock master may be appointed and compensated by the Town Board to enforce all sections of this chapter."

Councilwoman Blass: "The revised one, I guess, didn't get in the packet. We have it. I guess it didn't get-- "

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Okay. The other comment is on "g", waste pump out shall be no charge. That sounds ridiculous."

Supervisor Cardinale: "That's because you do not have the amended one and neither did I."

Sal Mastropolo: "Oh, that one's got a charge on it for waste

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pump out?"

Supervisor Cardinale: "The- the- "

Barbara Grattan: "This came in like about quarter after four this afternoon, Phil."

Supervisor Cardinale: "Okay. Let me just explain to- let me just explain, Sal, that you are looking at the preview and there was a subsequent amendment that was to be published so we should hand it up because it should have been in the package. And that is not the same as what you are looking at.

So can we get a copy of this out to the public right now? Thank you."

Sal Mastropolo: "Those are my only comments."

Supervisor Cardinale: "Thank you. And I'll get you a copy of that. If you have any further comment or if any other member of the public has a comment, it will be out in the public in a moment."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you, for pointing that out."

Councilwoman Sanders: "And while we're on that particular resolution, if we can add in, that would take care of Sal's concern about the statement. We can make that "j". All vessels docked at a town facility shall comply with all applicable US Coast Guard rules and regulations including inspections, if any. This way we can include it now and we won't have to- "

Supervisor Cardinale: "Add it later?"

Councilwoman Sanders: "Add it later."

Supervisor Cardinale: "I certainly think that that's a good idea, that all comply."

Councilwoman Sanders: "Yes."

Supervisor Cardinale: "Any comment on any other resolution or any further comment on any of the resolutions? Okay. If there isn't, we will get to the resolutions and then get ready to take some comment, general comment.

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There is a first resolution from the CDA, I think. And that's Resolution #2 of the Community Development Agency. Andrea- could we close then for a moment of the Town Board."

Meeting adjourned: 8:02 p.m.

Meeting reopened: 8:06 p.m.

Supervisor Cardinale: "We're going to proceed to reopen the Town Board meeting and consider Resolution #41."

Resolution #41

Councilman Densieski: "Authorizes the filing of an application for New York State assistance from the Household Hazardous Waste State Assistance Program and signing of the associated state contract, under the appropriate laws of New York State."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #42

Councilwoman Blass: "This resolution establishes a fee schedule for special event permit applications under Chapter 90. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I didn't vote on the changes to Chapter 90. I think they're too restrictive and too many rules. I think they're going to discourage public events and I think these fees are too high. So I'll vote no."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "I'm going to vote yes. I concur with Ed that they are higher, the fees. However, I want to note for the

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public that the event does not quality unless there are at least 100 to 1,000 spectators and I also note that there is a waiver of fees for not for profits, Firematic, religious, civic, and homeowner's associations. So I'll vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #43

Councilman Bartunek: "Authorizes Town Clerk to post and publish public notice of public hearing to consider a proposed local law for an amendment to Chapter 95 entitled Taxation of the Riverhead Town Code, Senior Citizen Persons with Disabilities and Limited Incomes Exemptions. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #44

Councilwoman Sanders: "Authorizes the Town Clerk to post and publish a public notice of a public hearing to consider a proposed local law for an amendment to Chapter 95 Taxation of the Riverhead Town Code, Persons With Disabilities and Limited Income Exemptions. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #45

Councilwoman Blass: "This resolution adopts an amended fee schedule for electrical inspections under Chapter 52. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,

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yes; Cardinale, yes. The resolution is adopted.

Resolution #46

Councilman Bartunek: "Order establishing Extension 79 to the Riverhead Water District Harvard Nichols Subdivision. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #47

Councilman Densieski: "Resolution authorizing the Supervisor to execute a change order No. 1 for the Riverhead Water District for the construction of Plant 11 Contract G, general mechanical construction. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #48

Councilwoman Blass: "This resolution appoints an interpreter for the police department and justice court. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #49

Councilwoman Sanders: "Accepts security certificate of deposit of Antonio Militello and releases the certificate of deposit for Antonino Militello. So moved."

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Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #50

Councilwoman Blass: "This resolution authorizes the Fire Marshal to attend a meeting. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #51

Councilman Densieski: "Once again, authorizes the Fire Marshal to attend classes. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #52

Councilman Bartunek: "Authorizes Fire Marshal to attend meetings. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "It's going to be one smart Fire Marshal. Yes."

The Vote (Cont'd.): "Cardinale, yes. The resolution is

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adopted.

Resolution #53

Councilwoman Sanders: "Authorizes the fire inspector to attend seminar. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I hope this guy has time to work. Yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yes. I think these are for the year. At least I hope these are for the year."

Councilwoman Sanders: "And some are meetings and some are classes."

Supervisor Cardinale: "Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #54

Councilwoman Blass: "Authorizes the fire inspector to attend a seminar. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #55

Councilman Densieski: "Classifies action for a special permit for Robert J. Andrews and refers the petition to the Planning Board. So moved."

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Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #56

Councilman Bartunek: "Authorizes the execution of a stipulation and release with East Creek Marina, Inc. with Richard Smith and Maureen Smith. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Yes. Moved and seconded."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Basically in my opinion the gentleman ran the facility down to the ground. Now he doesn't want to pay us, he'll give us the old docks. I'm going to abstain."

The Vote (Cont'd.): "Cardinale, abstain."

Barbara Grattan: "Okay, the resolution is adopted."

Resolution #57

Councilwoman Sanders: "Establishes East Creek Marina as a town managed boat docking facility. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I'm glad the Supervisor put this on for a resolution and we can get the matter behind us. I don't want to bring the whole argument up but I do want to make a few points."

I'm glad-- I think the common denominator here is that

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everyone's glad the marina will be used. There's a couple things I disagree with. One, I think we should have a full service marina privately run. I'd like to see East Creek be a destination by possibly having like a clam bar, something similar to Meschutt Beach in Hampton Bays. And I strongly disagree with the fact that we're going to have out of towners for the first year. I don't know why we consider doing that.

My two big problems are this. One, I believe expanding government beyond what's necessary and I find that to be a bad policy, and the bigger problem is I believe we're competing against private industry and I find that to be troubling also.

So with that said, I'm going to vote no."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "This issue is new to both George and I coming to the Board in the last few weeks. I was very impressed with the quality of the arguments on both sides for their respective positions.

As I indicated-- I've indicated publicly before, my vote her, yes, is motivated largely by the fact that we're January 20th today and we're going to be not talking about docking but doing docking in 90 days and I think this is our best hope to get the facility functional for the public to run it, and I want to point out that I'm not so sure that we've heard the end of the issue because it says for a basic docking facility for 2004 boating season.

We'll see how it goes. We'll see what success we have. A lot of good points remain on both sides. And we'll take it up again. But we just don't have the luxury of time now. So we're going to run it as a docking facility.

We're going to have a committee to get to work on it. Both Barbara and Rose are working hard already. I hope at the next meeting we'll have rules and regulations to be considered for the marina. There's a lot of important decisions that still have to be made in regard to preferences and the like.

So I'm going to vote yes and I hope we can run it well at least for the 2004 season and keep talking and making arguments between ourselves to get the best decision for the town. So I vote yes."

Barbara Grattan: "The resolution is adopted."

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Resolution #58

Councilman Densieski: "Authorizes the Town Clerk to post and publish a public notice of public hearing to consider a proposed local law for an amendment to Chapter 113A entitled Marina Regulations of the Riverhead Town Code. So moved."

Councilwoman Blass: "And seconded."

Councilwoman Sanders: "Discussion."

Supervisor Cardinale: "Moved and seconded. We want to have a discussion, I understand."

Councilwoman Sanders: "Yes. I just want to make sure that we're moving it as amended with item "k" and, yes, all vessels regarding the US Coast Guard rules and regulations and inspections. I wrote it out for you, Barbara. So I want to make sure that we're moving it as it is amended and that we are moving the correct version of the resolution."

Do you have this yet?"

Supervisor Cardinale: "I did. And we gave it up to the public but I have seen it and I understand that we're authorizing the posting and publishing of that notice. And- "

Councilwoman Sanders: "I just want to make sure it's the right one. This one says docking facility regulations and marina regulations was crossed out."

Supervisor Cardinale: "Yes. I had the wrong one originally but I do see the right one- the correct one. And with that clarification as to what's attached which is now among the public, we have it moved and seconded?"

Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Councilwoman Sanders: "Oh, you know what? We needed to change the title of the resolution and also refer to marina regulations as opposed to docking facility regulations. Right here."

Supervisor Cardinale: "We- on the Resolution 58, just passed,

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do you want to make a correction to the title- to the caption?"

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "It's not necessary?"

Councilman Densieski: "It's just calling for a public hearing. Correct?"

Supervisor Cardinale: "It's actually calling for a public-posting and public notice for a public hearing. Yes."

Barbara Grattan: "Right."

Councilwoman Sanders: "Right."

Barbara Grattan: "We've got it. All right."

Resolution #59

Councilwoman Blass: "This is an authorization to publish bids for 2004 3/4 ton pickup truck. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I have a question. Do we know what department these are for?"

Supervisor Cardinale: "Good question. Jack, before we get a final bot on this, is this the- is this 3/4 ton pickup truck for what department?"

Jack Hansen: "The Accounting Department. This is for-scheduled for the dog officer, animal control, and for the Bay Constable."

Supervisor Cardinale: "Yeah. This is the one we discussed at-but- "

Jack Hansen: "Those trucks (inaudible)."

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Supervisor Cardinale: "And this is- remind us that this is a bid, publishing for a bid. But we have not and may not ultimately decide to purchase because we're not yet- the case has not been made to the Town Board and should be in the next work session that we need the trucks."

Councilwoman Sanders: "We're not yet convinced."

Supervisor Cardinale: "We're not yet convinced but you're going to try to convince us. Okay, so let's publish and at least find out the price. Did you vote?"

Councilman Densieski: "Yes."

Barbara Grattan: "Is that yes?"

Councilman Densieski: "Yes."

The Vote (Cont'd.): "Cardinale, yes. The resolution is adopted."

Resolution #60

Councilwoman Sanders: "Authorization to publish bid for heating fuel. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #61

Councilman Bartunek: "Ratifies the publication of times and dates of regular meetings of the Town Board. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #62

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Councilman Densieski: "Appoints Martin Keller as Chairman of the Zoning Board of Appeals. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #63

Councilwoman Blass: "This resolution appoints Fred- Frederick McLaughlin as the Vice-Chairman of the Zoning Board of Appeals. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #64

Councilman Bartunek: "This resolution- I guess I'm going to move to table this resolution."

Councilman Densieski: "Second to table."

Supervisor Cardinale: "All right. Moved and second to table."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes, for the reasons stated earlier."

Barbara Grattan: "The resolution is tabled."

Resolution #65

Councilwoman Blass: "This resolution appoints Richard O'Dea as Chairperson of the Riverhead Planning Board. So moved."

Councilman Densieski: "Second the motion."

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Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #66

Councilman Densieski: "Appoints Joe Baier as Vice-Chairman of the Planning Board. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #67

Councilwoman Sanders: "This resolution rescinds Resolution #31 which is appointment to- of a recreation specialist. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #68

Barbara Grattan: "Resolution #68, Councilman Bartunek."

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Does this- does this- I know we were talking about putting it at the end of McDermott."

Supervisor Cardinale: "Yes."

Councilman Densieski: "In the parking district meeting this morning they brought up some really good points. Does this lock us in to an absolute location?"

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Supervisor Cardinale: "Kenny Testa, is he here? Andrea, would you come to the- answer that question from Councilman Densieski?"

Ken, in regard to this, Eddie had a question."

Councilman Densieski: "At the parking district meeting this morning they brought up some good points. Just curious. Does this lock us in to that exact location?"

Ken Testa: "Not necessarily. No."

Councilman Densieski: "Okay. As long as (inaudible)."

Ken Testa: "That location was given to us by, I believe, the BID, that it would work well because it's close to the aquarium- "

Councilman Densieski: "Okay"

Ken Testa: "-- but we have water, sewer and electric throughout the entire river front."

Councilman Densieski: "Okay, so it's something we can talk about. I'd like to bring those points up at a work session."

Supervisor Cardinale: "Good. I'll put it on for Thursday."

Councilman Densieski: "Okay."

Supervisor Cardinale: "Yes, Andrea, did you have a comment."

Andrea Lohneiss: "One additional point is that Mr. Bissett's agreement to maintain the restroom is conditioned to some extent upon being relatively close so that it can be maintained by his staff and (inaudible)."

Councilman Densieski: "Yeah, sure."

Supervisor Cardinale: "Andrea, you gave me a note which-- earlier, about this. Was that- that we're looking for an additional contribution. Is that forthcoming, do we know?"

Andrea Lohneiss: "The BID has agreed to contribute to the- not to the purchase of the equipment but towards the installation of it."

Supervisor Cardinale: "Okay."

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Andrea Lohneiss: "Above and beyond the purchase, there is- there was a bit of a gap in the cost."

Supervisor Cardinale: "I think that was the \$7,000- "

Andrea Lohneiss: "Right."

Supervisor Cardinale: "So that will be forthcoming for installation?"

Andrea Lohneiss: "Yes."

Supervisor Cardinale: "And how about the- we also requested to try and come out of this hole without \$3,000 from Mr. Bissett additional to what he had already- "

Andrea Lohneiss: "He- I spoke with him at the beginning of the meeting and he is going to give us a call in the next day or so."

Supervisor Cardinale: "Okay. Maybe we can give him another proclamation. Come up with the \$3,000. I thank you. That's what I wanted to clarify. Okay. Were we voting?"

Barbara Grattan: "No. We just called it."

Supervisor Cardinale: "Okay. We just called it and we- "

Councilman Bartunek: "Awards bid for prefabricated concrete restroom building at the end of McDermott Avenue. So moved."

Councilman Densieski: "Okay. In that vicinity. Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #69

Councilman Densieski: "Authorizes the establishment of a petty cash account for the Riverhead Town Supervisor's office. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Barbara Grattan: "Now- "

Resolutions #70 through 75

Supervisor Cardinale: "George, I think you have a motion on 70."

Councilman Bartunek: "I would like to make a motion we would table Resolution 70 to 75. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I will vote to table this resolution. I'm concerned about the message we're sending to our employees though and I'd like to see if the Town could resolve it by the next meeting. Yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "And I share your concern, Ed, and I vote yes and expect to have this resolved by the next meeting."

Barbara Grattan: "Those resolutions are tabled."

Resolution #76

Barbara Grattan: "Resolution #76 pay bills."

Councilman Densieski: "So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. 5 yes, to pay bills."

Barbara Grattan: "That concludes resolutions."

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Councilwoman Sanders: "We have one more?"

Supervisor Cardinale: "We have one additional which was on the Anderson Farm purchase which we distributed to the public earlier. We needed to do this the same night as the public hearing in order to close it by March 1st which was important to the town and to Mr. Anderson."

So it accepts the offer of sale of development rights as earlier stated at \$32,000 for the 28 acres and, George, if you could move that and, Rose, if you could second."

Councilman Bartunek: "Accepts offer of sale of development rights for William Anderson and Vincent Point Realty Corp. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Supervisor Cardinale: "Oh, Ed, did you vote?"

Councilman Densieski: "Yes."

Supervisor Cardinale: "Okay. That's the last of the resolutions we have to consider. We'd like to take general comment from the public and, Sid, why don't we start with you. And we have two cards which I'll take immediately."

Sid Bail: "Sid Bail, Wading River Civic Association. I have a question. About a year ago, maybe- I think it was approximately a year ago, there was a question about a fence that had been constructed by the condo project, the Horizon project in Wading River on 25A, and it has been constructed, it is a 50 foot non-disturbance area, and leaving aside the question of aesthetics, I think it's a question of process here. If that's the requirement and the requirement was ignored, what message does it send? And very likely there will be another condo project by a different owner constructed and I can see a similar fence going up because if- it's just not clear to me at this point what happened."

The last I heard that the owner of the project was asked to get

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a survey and after that, you know, I haven't heard anything. So as I said, you know, leaving aside, you know, opinions about what the fence looks like or doesn't look like, you know, it seems to be a very definite requirement that it seems to be ignored."

Supervisor Cardinale: "And that definite requirement is?"

Sid Bail: "A 50 foot non-disturbance area. I think their rationale- initial rationale, the fence that was constructed didn't disturb anything, it meanders through the wooded area."

Supervisor Cardinale: "But it's within the 50 foot non-disturbance area and you'd like to know how that- no matter what the fence looks like, what's it doing there. Period."

Sid Bail: "Right."

Supervisor Cardinale: "Dawn, you're familiar with this."

Dawn Thomas: "Yes. I haven't ignored them, we haven't forgotten them. They are being processed through my office currently. We deal with them on a regular basis. There is security in place to provide- ensure compliance with the non-disturbance buffer.

They have been in- there was a little bit of an issue because the condominium, the developer had transferred ownership to the condominium association. The developer, they did it, now we did it, it doesn't matter who did it. We have the right guy and we're working on getting it done and we're getting there. So we don't ignore that stuff at all."

Sid Bail: "Okay. I appreciate that. Thank you very much."

Councilman Densieski: "I think the practical problem, just so you, Phil, what happened, is that they put the fence in the non-disturbance line and then I think homeowners started clearing up to the fence and started using that property, so I think that's the practical end of it."

Supervisor Cardinale: "I see. Okay. Thank you. Sandra, we have a card here from you."

Sandra Mott: "Sandra Mott, Riverhead. I just have a few questions and a few statements actually. I was wondering if you could consider, although this evening's meeting went like this and I

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hope they'll all go like this, but I just- they probably won't all go like this but- "

Supervisor Cardinale: "Yes, I think that's a fair statement."

Sandra Mott: "-- we can hope. During Vinny's administration there used to be the public hearings and then the comments on the public hearing and then the comments on the resolutions and then the generic, such as my comments or anyone else's comments on other issues, done prior to your voting on the resolutions."

Supervisor Cardinale: "Yes."

Sandra Mott: "Is that a possibility of being- "

Supervisor Cardinale: "Yes. Yeah."

Sandra Mott: "In case it doesn't always work out like this."

Supervisor Cardinale: "You- we'll discuss- I'll take that up in work session and I think it's a reasonable suggestion. I think we all know why the format was changed and I think that was reasonable, too. But it does- "

Sandra Mott: "As long as that thing works fairly, there's no trouble."

Supervisor Cardinale: "-- but it does tend to discourage-- those who have general comment coming last, it does tend to discourage but then, again, someone has to be last. Either the resolution passage or the general comment. But, yeah, I'll take it up at the work session. I'll make a note of it."

Sandra Mott: "Thank you."

Supervisor Cardinale: "Thank you."

Sandra Mott: "And just a second concern. Is there some way that there will be a formal follow up with regard to people either stopping in your office, calling in, faxing in, mailing in, in regard to whatever issues someone might have? That there's a formal recognition of that, either a small post card, thank you, Mrs. So and So- Mr. So and So, regarding law and we would be following up and then actually doing- advise the person with that issue to be followed up on?"

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Supervisor Cardinale: "Yeah. If the intention is that every call and every received and every person who stops in will get attention, that's- and I hope it's happening now, but- "

Sandra Mott: "It is."

Supervisor Cardinale: "Good. But we are short staffed- and I should announce, we are advertising for a Town Board Coordinator, and I think that's budgeted for \$32,000 and we are also advertising for a legislative secretary for the Supervisor. I think that's 28. So if anybody is interested, see Jill Lewis or- and talk."

Sandra Mott: "Okay. Thank you. And another statement is in regard to Steve Haizlip."

Supervisor Cardinale: "Yes."

Sandra Mott: "I know that his neighborhood is going to do something in his behalf but I was wondering if there could be- like you did a proclamation this evening, there could be like a Haizlip, (inaudible), Kasperovich, type, good citizen award, so that, you know, you don't have to do something grandiose, but something smaller can be identified and the names of those three gentlemen, one of who is not with us any longer- "

Supervisor Cardinale: "Yeah."

Sandra Mott: "-- the two gentlemen who are, and while they are here, they should be acknowledged as initiators of this kind of award."

Supervisor Cardinale: "Yeah, I noticed that those three gadflies for the public have not been attending my first two meetings. I understand it's health reasons not otherwise. But it's an interesting suggestion and a good one. I'll take that up also at the Town Board work session on Thursday."

Sandra Mott: "Thank you. And my other two concerns. One I read of EPCAL about the possibility of reverting the property back to the Transportation and Safety Administration for Homeland Security which I felt was an absolutely fantastic idea since I said that to Hillary Clinton about 10 days after 9-11 in a very long letter. In that way, the town could be repaid all their costs that we have endured during ownership since it's not- nothing's happening and that definitely would bring good federal jobs and so on to the community and maybe- I don't know if that's going to go any further."

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Supervisor Cardinale: "Well, the- I did see the same article. I also had a meeting on Friday of last week with Congressman Bishop, discussed federal and town related issues. Of course, that came up.

I have received as I indicated in the paper, no contact officially from anybody in regard to that. I invite it. If anybody wants to talk to me, I'm in my office. But the- tomorrow at 10:00 a.m., we're going to have a session on EPCAL, a special work session, for morning and afternoon and I think that- and maybe evening, yes, George says, and I think that the discussion will- if, in fact, the federal government is interested in the site, now is the time because we're going to start making some decisions on the site as a Town Board which will impact its use as a- one way or the other."

Sandra Mott: "I think that would be a very dramatic and direct, very effective- "

Supervisor Cardinale: "So I'm inviting the federal representatives out there who want to talk to the Town of Riverhead to call me or one of my colleagues on the Board."

Sandra Mott: "I would initiate the call maybe."

Supervisor Cardinale: "If I knew who to call, I would."

Sandra Mott: "(Inaudible) And thank you very much for meeting with me last Friday after (inaudible) with regard to the animal shelter. You know I'm here, I want to do something, I want it done and your meeting- I mean your inaugural speech was redone on channel 22 where it's not only a citizen advisory, but a citizen action and that's exactly (inaudible). I want to spend the time, effort and energy to do it and have it done in regards to the shelter and I was very glad to hear you refer to JFK and RFK since that was the reason I got into (inaudible) in the first place."

Supervisor Cardinale: "Yeah. Thank you."

Sandra Mott: "Thank you all very much."

Supervisor Cardinale: "Thanks very much. We have a Bill Critter-- Critcher."

Bill Critcher: "Thank you Town Supervisor and the people of the Board."

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Supervisor Cardinale: "Yes."

Bill Critcher: "I have a question, a couple questions actually. I know actually some of you, Miss Thomas. I believe you remember me, I'm from (inaudible) Environmental. Mrs. Grattan, you also remember me.

Supervisor, I have been trying to get a hold of you. I'm sure Mr. Collins has made you aware, hopefully, he has."

Supervisor Cardinale: "Yeah, Dave Cullen, yes."

Bill Critcher: "Yes. Back on December 10th, you had a bid for the liquid sludge removal of the Town of Riverhead. The winning bid, so to speak, was basically disqualified for improper, it wasn't done properly. There was no bid bond, it wasn't notarized. There were a few other mistakes made on the incumbent's bid. My bid was the second place bid at the time. It was legal; it was proper; it was complete.

At that time, Mr. Reichel, the head of your sewer department was called to see what they should do. Mrs. Grattan was right there. He said at that point he wasn't sure what to do. I offered as the representative of (inaudible) Environmental to match the lowest bid, to match the bid that was disqualified. He told me no.

So as a representative of (inaudible) Environmental, I'm basically here to ask you folks one more time to please solve this problem. I am holding up my owners up very, very diligently to their getting ready to retain legal counsel. This is a very simple, plain contract that either your town- current town attorney or previous town attorney had written. It's been passed off to Ms. Thomas, to Mr. Ehlers, the sewer department attorney, to Mr. Reichel. Mr. Reichel then in turn tells me after speaking to him last week that your sewer attorney doesn't have the time to look into it at this point.

We also have a problem with a number that was given to us with Freedom of Information. We have a right to call and find out what the current price- bid was and how much you're paying for it. At that time, my owner was given a price of \$29.00 a thousand. I have since then went to your town clerk's office and looked to see who currently held the bid which is Mr. Pantanjo- Don Pantanjo Cesspool. The last bid in there was from the year 2000. It was a two year contract at \$24.99 a thousand. I looked through the resolutions. There was no resolution to extend this contract. There was no other

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bids put up in between and if there was, the paper's gone. Which means we have a legal right to hold your sewer department person, Mr. Reichel, from what it looks in collusion for giving us a false number.

I'm doing everything I can to stop my people from just getting out of hand with this. This is a very simple matter. I have on paper and notes and plenty of other times, expressed my concerns and legal ways of proving that this contract should have been handed over to my company. I have also discussed the point- maybe would we be willing to accept the lower bid again from my company just to resolve the issue. Once again, the town told me no. So now my employers have no choice but to request the price we won the bid at which is \$4.00 a thousand higher because your town people refuse to accept it at the price we suggest.

So now we have no choice but to not charge what we wanted to. This bid has yet to be finalized and we would like, you know, speedy resolution to this than six weeks. And there is absolutely no need for this to continue."

Supervisor Cardinale: "I am somewhat familiar with this because you've had some discussions with Dave Cullen. I was not in office when the bid came in. It was December 10th, I think you said."

Bill Critcher: "Yes, sir."

Supervisor Cardinale: "I think that the key issue here is, although I'm interested in some of the things you've said about not being bid out for four years- since- that it missed the bid."

Bill Critcher: "I looked through the paper (inaudible) Mrs. Grattan, she wasn't present at the time. The only reason I know Mrs. Grattan is because of the time- "

Supervisor Cardinale: "Right."

Bill Critcher: "-- for the bid and I actually protested the bid on the spot. She did dock it and file the paperwork. I couldn't find it. He lady there helping me, we couldn't find it. So, well, maybe it was extended. We looked through the resolutions for every year up to that point. There was no resolution to extend the bid which basically says to me if he's getting at that last contract, 2000, \$24.99 per thousand gallons and no one made a resolution to pay him more, that's kind of scary. And if he isn't getting paid \$29.00 a thousand, how come Mr. Reichel is telling us an incorrect number which on the contract in your own bid package is called non-

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collusion, means you are having no insider help. That to me would be collusion."

Supervisor Cardinale: "Well, I heard that and that most concerned me. But I did speak with Michael and I asked him to be present this evening. But I think that- I was able to ascertain that the payment that we were making has always been \$24.99. Now if that's the case, the- and that's public, it was accessible to you as well by simply asking for that information.

You asked, I think, a verbal question of Mr. Reichel and you maintain he said 29. Is that basically it?"

Bill Critcher: "Absolutely correct. Because our bid and if you do any one who is in our business you check the cesspool business, I mean somebody's got to do it. You know. Our bid was \$28.75 because if go with the cost of living, no one's going to drop their price \$4.00 a thousand."

Supervisor Cardinale: "And because you thought we were paying 29- "

Bill Critcher: "Because Mr. Reichel informed us that's what the price was."

Supervisor Cardinale: "Which Mr. Reichel indicated- had indicated that he doesn't recall doing that. But even if he did, that is a matter of public record. We've been paying \$24.99. But I think the key to the question and I want to suggest that maybe your attorney call Dawn Thomas to discuss the legal ramifications, is you talk of a bid being disqualified. That's the key. The fact that there was those three oddities in the bid that there was no notary, that there wasn't a, I guess a bid bond attached, and there was one other one."

Bill Critcher: "On the first page- on the last page actually you have to write out like a check for the total value of the contract- "

Supervisor Cardinale: "Right. And the fact that the total value of the contract wasn't stated in a particular place- "

Bill Critcher: "Correct."

Supervisor Cardinale: "-- I would leave that to Dawn as counsel for the town. Whether that disqualifies, as you put it,

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yeah, disqualifies the bid. If it does, that's one set of facts. If it doesn't, that's another set."

Bill Critcher: "If I might interrupt. And part of it, and I did give Mr. Cullen a copy of it, and I quoted right off the top of the bid which I did not bring because I assume Mr. Cullen would have been here, it basically states if the- if this package is not certified, certified to be interpreted as notarized, it will not even be considered for award. That right there eliminates him from the bid."

Supervisor Cardinale: "Let me ask you. I thought that Dawn had done this and she might have, but I would ask her again to take a hard look at it and then report to me and if you could let me know who your counsel is, I can have her contact them. Dick Ehlers and Frank Eisler are apparently Dawn is informing me, are our sewer district counsel and she is actually going to refer to them."

But if you have an attorney who is considering litigation against the town on this matter, what I would ask if you could give me the name of that attorney. Tomorrow morning I will call Dick Ehlers who's readily accessible, he's around all the time, and ask him or Frank Eisler to call your attorney and if you are right, we will proceed in a certain fashion in regard to that bid being in appropriate to be awarded on, and if you're wrong, we'll proceed in another fashion. But, I'd like to find that out."

Bill Critcher: "Absolutely. The only part that concerns me is every time I'm looking for an answer, I'm getting amounts from different attorneys."

Supervisor Cardinale: "Well- "

Bill Critcher: "I've actually spoken to Ms. Thomas- "

Supervisor Cardinale: "Okay."

Bill Critcher: "And I believe at times, she referred me to the sewer department attorney, Mr. Ehlers."

Supervisor Cardinale: "Yeah, that's who I'm talking- "

Bill Critcher: "I've been trying to contact this gentleman and nobody wants to speak to me."

Supervisor Cardinale: "Okay."

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Dawn Thomas: "I can try and call him tomorrow."

Supervisor Cardinale: "Okay. Dawn will- "

Bill Critcher: "We can do this without attorneys, believe me. I'd rather do it because it's just a mess."

Supervisor Cardinale: "I understand. But I think that the key here is since you're going to- your statement to the town is that you will be forced to litigate if we cannot come to an agreeable resolution, my suggestion is that I want to try as I've said in the past, cut off litigation before the necessity of it begins.

But in order to do that, we need your attorney to speak to, to explain to him our legal analysis of that bid, whether it was disqualified or not. Because from that decision stems our action. So if you could tell us who Dick Ehlers is to call on this, he will give him the analysis and then we can- "

Bill Critcher: "Who would make the final decision on whether it's an inadequate bid?"

Supervisor Cardinale: "Dick Ehlers' advice would probably in all that matters, would be followed by the Board, I would think because it's a legal matter and that's generally what the Board does."

Bill Critcher: "So can I make- actually ask a question? Why don't we let Mr. Ehlers look at it and it can be solved very simply and we can all just get through it. If he says, you know what, it's a legal bid, and we need to turn it over, turn it over."

Supervisor Cardinale: "That's a good idea because Dave has a file on it. Let- Dawn, if I could give you Dave's file, have Dick review it, we'll tell you whether we think the bid is disqualified or not and then you can, your counsel is free to call ours."

Bill Critcher: "Absolutely. Because the only concern I have is it was suggested by Mr. Reichel at one point that we put it up for re-bid. That's not really fair."

Supervisor Cardinale: "Well, that's another issue. Once we determine whether the bid is disqualified or not, then what our next action is, we'll take counsel of that as well. But I'll let- I'll give the file that Dave-- Dave's got a complete file. He spent a good deal of time on it. Give it to Dick Ehlers. I thought that it

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had been evaluated already and decided but even if it has, nobody's told you about it."

Bill Critcher: "Nobody's told me nothing. That's why I'm here pretty much every other day."

Supervisor Cardinale: "Do you have an attorney we can call?"

Bill Critcher: "You can reach me. I'm- I'll take care of everything."

Supervisor Cardinale: "Okay. But he may wish- Ehlers may probably want to talk to your attorney because he doesn't want to have contact with you as a potential litigant without your attorney being a buffer as it were. So if you can tell me who it is, either now or just give the number to Dick- to Jack who is our town financial officer, the blue shirt."

Bill Critcher: "Okay."

Supervisor Cardinale: "Just give him that so you don't have to put it on the record, and I will have somebody call not later than Friday to evaluate and make a call."

Bill Critcher: "I would appreciate it."

Supervisor Cardinale: "Give you an answer. It may not be the answer you want, but you'll have an answer."

Bill Critcher: "I understand this happened in between and this has to come to an end."

Supervisor Cardinale: "Good. I'm glad you brought it to our attention. I was aware of it. I thought this had been done. It will be done."

Bill Critcher: "Thank you."

Supervisor Cardinale: "Thank you. I have no more cards, but who would like to speak, if anyone, on any other issue? Thank you for being here, Michael."

If there is no further comment, I will be delighted to go home and have dinner. Better not say that. I got in trouble that way four years ago. Come on up, Rolf. Yes, Rolf."

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Rolf Koesling: "Rolf Koesling, Wading River. I was watching the work session on channel 22 last week- "

Supervisor Cardinale: "Yes."

Rolf Koesling: "-- and you were discussing about the parking for the courthouse- "

Supervisor Cardinale: "Yes."

Rolf Koesling: "-- or versus a multi-level parking garage."

Supervisor Cardinale: "Right."

Rolf Koesling: "If I would have known about the meeting, I would have come down and put my two cents in. When it comes to a multi-level parking lot, I think I'm amazed. I parked for 10 years in a municipal parking lot and you may be familiar with the one. It's in Queens, behind Queensboro Hall and the Correctional Facility, the courts there. It's a big huge thing.

And the one thing you didn't discuss during the meeting is the inhabitants. Now I (inaudible) a lot of time. At the time I was there, I lost two radios, three smashed windows, once they took my rear window out, 800 bucks, because I had those electric wire there."

Supervisor Cardinale: "Yes."

Rolf Koesling: "I think you better consider that when you put up- because you're going to need a guard there, believe me."

Supervisor Cardinale: "Yeah, we're aware of that issue and thank you. Yeah.

Any other comment on any matter that the public would like to make the Board aware of? If not, I want to thank the department heads for being here tonight. I appreciate that. It made the meeting a lot more effective and efficient and I appreciate your being here as requested. And I'm going to declare the meeting- I would ask for a motion to adjourn this meeting."

Councilwoman Sanders: "Motion to adjourn."

Supervisor Cardinale: "Seconded?"

Councilman Bartunek: "Seconded."

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Supervisor Cardinale: "Moved and seconded. Meeting is adjourned. Thank you."

Meeting adjourned: 8:48 p.m.